

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**JEREMY JOHNSON,**

**Plaintiff,**

**v.**

**CITY OF PATERSON, et al.,**

**Defendants.**

Civ. No. 13-445 (KM) (MCA)

**OPINION AND ORDER**

**MCNULTY, District Judge**

This matter having come before the Court on the motion of Defendant City of Paterson (“City”) to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6), arguing that Plaintiff’s failure to make a single allegation against the City demonstrates that the Complaint fails to state a claim upon which relief may be granted as to the City [ECF No. 11]; and it further

**APPEARING** that no opposition has been filed; and it further

**APPEARING** that, after the City filed its Motion to Dismiss, Plaintiff filed an Amended Complaint devoid of any reference to the City, even removing the City from the listed Defendants in the caption [ECF No. 13]; and it further

**APPEARING** that Plaintiff has failed to allege facts showing a basis for liability against the City and has effectively conceded that the City is not a proper Defendant by removing the City from the caption of the Amended Complaint; therefore

**IT IS** this 25<sup>th</sup> day of July 2013,

**ORDERED** that the City of Paterson's Motion to Dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) is **GRANTED**. All counts of Plaintiff's Complaint against the City of Paterson are hereby **DISMISSED** with prejudice.



KEVIN MCNULTY, U.S.D.J.